

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

<b>JOSE SAMUEL LANDAVERDE,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>4:08-cv-00121-VEH-JEO</b>
	)	
<b>ALBERTVILLE POLICE</b>	)	
<b>DEPARTMENT, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

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**MEMORANDUM OF OPINION**

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation (doc. 19) and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice to permit the petitioner to exhaust his available state remedies. An appropriate order will be entered.

**DONE** this the 19th day of June, 2008.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**

United States District Judge